

Monday, 16 December 1946

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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Chambers of the Tribunal
War Ministry Building
Tokyo, Japan

PROCEEDINGS IN CHAMBERS

On

Paper No. 604 - Application of the
Prosecution for Medical Examination and Re-
port concerning the Accused OKAWA, Shumei.

Paper No. 608 - Application of the
Accused SHIRATORI, Toshio for the production
of documents under Article 9(e) of the Charter.

Before:

HON. SIR WILLIAM WEBB
President of the Tribunal and
Member from the Commonwealth
of Australia.

Reported by:

Julian Wolf
Court Reporter, IMTFE

Appearances:

FOR THE PROSECUTION SECTION:

MR. FRANK S. TAVENNER, Jr.

MR. SOLIS HORWITZ

FOR THE DEFENSE SECTION:

MR. CHARLES B. CAUDLE, Counsel for the
Accused SHIRATORI, Toshio

MR. OWEN CUNNINGHAM, Counsel for the
Accused OSHIMA, Hiroshi

FOR THE OFFICE OF THE GENERAL SECRETARY,
IMTFE

MR. CHARLES A. MANTZ, Clerk of the Court

MR. H. W. DELANEY, Deputy Clerk of the Court

The proceeding was begun at 0903.

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THE PRESIDENT: This is Paper No. 608.

MR. CAUDLE: Yes, sir. I would like to have that deferred, please, sir. My Japanese counsel had that drawn up and to tell you the truth I am not familiar with it.

THE PRESIDENT: Did you want it withdrawn or adjourned?

MR. CAUDLE: Just deferred to about Wednesday morning.

THE PRESIDENT: Yes, adjourned to Wednesday morning.

Paper 604 is an application by the prosecution for the Medical Examination and Report had concerning the accused OKAWA. Who appears for the prosecution?

MR. TAVENNER: I do, sir.

THE PRESIDENT: (To Mr. Cunningham) And you appear for the defense?

MR. CUNNINGHAM: No. I don't believe that Mr. Brooks has known that the matter is to come up this morning and asked that that be put over to Wednesday until he has an opportunity to --

THE PRESIDENT: Have you any objection, Mr. Tavenner?

MR. TAVENNER: No objection, your Honor.

THE PRESIDENT: Adjourned to Wednesday, one o'clock.

MR. CUNNINGHAM: Your Honor, may I ask about another?

THE PRESIDENT: Yes. About the Ambassador who was here?

MR. CUNNINGHAM: Yes. He is the Ambassador from Germany. He is in Peiping now and if there is any possibility I would like to have him brought back and cross-examined before the prosecution's case ends. I mentioned it to you a couple of weeks ago and you were going to take it up with the Tribunal.

THE PRESIDENT: I will bring it up. I didn't, as a matter of fact, but I shall do so today, Mr. Cunningham.

MR. CUNNINGHAM: Otherwise I shall have to make a special trip to Peiping to get a lot of information from him, and several of the counsel would like very much to cross-examine him.

THE PRESIDENT: Whose custody is he in now?

MR. CUNNINGHAM: No one. I think he is just at large or on the loose.

THE PRESIDENT: Well, he is not in custody. You say that he is a free man in Shanghai, is it?

MR. CUNNINGHAM: In Peiping.

THE PRESIDENT: Peiping. I will bring it up and get the Judges' feeling about calling him for cross-examination.

MR. CUNNINGHAM: I appreciate it very much.

THE PRESIDENT: I will let you know Wednesday morning.

(Whereupon, at 0905, the proceeding was concluded.)

18 Dec 46

NOTE:

The attached pages are corrected
pages and should be substituted for the
corresponding pages in the Proceedings
in Chambers, dated Wed 18 Dec 46.

THE PRESIDENT: Have you information that he was misrepresenting the Japanese attitude to the Germans?

MR. CAUDLE: At least our clients.

THE PRESIDENT: Did you get that information from Stammer?

MR. CUNNINGHAM: I got mine out of the Foreign Office.

THE PRESIDENT: From whom?

MR. CAUDLE: The Japanese Foreign Office.

THE PRESIDENT: Which man?

MR. CAUDLE: Mr. OTA.

THE PRESIDENT: Will you give that evidence?

MR. CAUDLE: He says that it was the rumor going round. I won't make a general statement.

THE PRESIDENT: What does Stammer say?

MR. CUNNINGHAM: Stammer says he was sent here by Ribbentrop because the stories between Ott and the ambassador to Germany were so inconsistent that he wanted to get a true story from Tokyo, and Ribbentrop told me the same thing.

THE PRESIDENT: That would suggest that Ott was misleading the German government.

MR. CUNNINGHAM: Ott was misleading his

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